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Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber in the Public Offices, Bangalore, on Friday the 8th January 1909, at 3 P.M.

PRESENT.

V. P. MADHAVA RAO, ESQ., B.A., C.I.E., Dewan (Presiding).

Ex-officio Members.

T. ANANDA RAO, ESQ., B.A., (First Councillor).

K. P. PUTTANNA CHETTY, ESQ., (Second Councillor).

Additional Members.

Official.

H. J. BHABHA, ESQ., M.A.

RAO BAHADUR M. MUTHANNA, ESQ.

S. NARAYANA RAO, ESQ.

K. S. CHANDRASEKHARA AIYAR ESQ., B.A., B.L.

Non-official.

RAJAMANTRAPRAVINA C. SRINIVASIENGAR, ESQ.

M. C. RANGIENGAR, ESQ., B.A.

SYED AMIR HASSAN, ESQ.

ABSENT.

Official.

RAJAKARYAPRAVINA A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.

M. KANTHARAJ URS, ESQ., B.A.

Non-official.

V. N. NARASIMMIYENGAR, ESQ.

B. NAGAPPA, ESQ., Barrister-at-law.

S. HIRIYANNAIYA, ESQ., M.A., B.L., (Secretary).

The SECRETARY reported to the Council that the Mysore Police Bill and the Bill to amend the Mysore Registration Regulation, I of 1903, received the assent of His Highness the Maharaja on the the 23rd and 26th day of December 1908, respectively.

Bill further to amend the Mysore Chief Court Regulation, 1884.

MR. T. ANANDA RAO moved for leave to introduce the Bill, and in doing so, said:—Sir, I beg leave of the Council to introduce a Bill for a small amendment in the Mysore Chief Court Regulation. In section 4 of the Regulation, as it now stands, it is declared that the Chief Court of Mysore shall consist of three or more Judges. In section 3, a "Full Bench" is defined as meaning a Bench consisting of all the Judges. In section 15, clause (3), it is stated that the decision of a majority comprising the full Bench shall be the decision of the Chief Court. These provisions work well enough when the Chief Court consists of an odd number of Judges. But a difficulty arises when, as now, it may consist of an even number of Judges—at present the number is four. If, in this circumstance, the Judges of a full Bench are equally divided in opinion in any case before them, there is nothing in the Regulation to show which opinion the decision shall follow. It is proposed to meet this difficulty by enacting that a full Bench shall consist, not necessarily of all the Judges of the Chief Court, but of not less than three of them. I move that leave be granted to me to introduce a Bill to this effect.

MR. M. C. RANGIENGAR seconded the motion. The motion was put to the Council and carried.

Bill further to amend the Mysore Land Revenue Code, Regulation IV of 1888.

MR. K. S. CHANDRASEKHARA AIYAR, moved for leave to introduce the Bill and in doing so, said :—Sir, I beg leave to introduce a Bill for further amending the Mysore Land Revenue Code, 1888.

The Bill is a short one. It consists of a single clause which directs the insertion in the Code of a new section 210 A, which empowers Government to withdraw any appeal or class of appeals from the file of the Revenue Commissioner and dispose of the same itself or retransfer any such appeal when necessary to the Revenue Commissioner.

It will be remembered that when the Land Revenue Code was amended in 1906, the Deputy Commissioners of Districts were declared to be subordinate to Revenue Commissioner, who was therefore under section 210, the authority to whom all appeals from their orders would lie. The appellate orders of the Revenue Commissioner were at the same time declared to be final except when a question of law or usage having the force of law was involved.

Provision was not however made at the time for withdrawing any appeal from the file of the Revenue Commissioner, should Government see occasion to do so. Such a power to withdraw cases from the files of subordinate courts is one that the supreme Courts both in British India and Mysore and even all District Courts, possess under the new Code of Civil Procedure. A similar power on the part of Government in regard to Revenue appeals is obviously a desirable addition to the ordinary revenue procedure. It is also very urgently required just now in order that the Revenue Commissioner, whose revenue work is heavy, may have sufficient relief from his ordinary duties to be able to devote adequate time and attention to his famine work, which is on the increase.

Appeals withdrawn under the new section will of course be heard and disposed of by a Committee of Council, and the slight amendment of the Council Rules necessitated will be separately notified in due course.

I now ask that leave to introduce the Bill may be given.

MR. SYED AMIR HASSAN seconded the above motion. The motion was put to the Council and carried.

THE PRESIDENT.—The next item on the agenda is a motion by MR. K. S. CHANDRASEKHARA AIYAR, that the rules of business of the Council be suspended so as to permit of the above Bill being read and taken into consideration immediately and passed by the Council.

MR. K. S. CHANDRASEKHARA AIYAR.—Sir, I have already explained the urgency of the measure, and in the circumstances, I beg to move that the rules of business of the Legislative Council may be suspended so as to permit of the Bill being read and taken into consideration immediately, and passed by the Council.

MR. T. ANANDA RAO seconded the motion. The motion was put to the Council and carried unanimously.

The Bill was then read by the mover, at the close of which MR. M. C. RANGIENGAR enquired if, in cases withdrawn by Government from the file of the Revenue Commissioner, the Government would go into questions of fact, as would be done by the Revenue Commissioner, if those cases were tried by him. He added that, as under Section 210 of the Land Revenue Code, as amended by Regulation, VI of 1906, appeals lay to Government only on points of law or usage having the force of law, the point might be made clear before the Bill was taken into consideration by the Council.

In reply, MR. CHANDRASEKHARA AIYAR observed that the Government was prevented from going into questions of fact only in appeals *against* the decisions of the Revenue Commissioner, but that in cases *withdrawn* from his file, the Government had the same powers which the Revenue Commissioner would have had if he had to dispose of them.

MR. K. S. CHANDRASEKHARA AIYAR then moved that the Bill be taken into consideration and passed by the Council.

MR. K. P. PUTTANNA CHETTY seconded the motion.

The motion was put to the Council and carried.

The Bill was then finally considered by the Council and passed.

The Council then adjourned.

V. P. MADHAVA RAO,
President.